

Out-of-State Attorney Arbitration Counsel Program Rules (effective January 1, 1999)

1.0 Purpose

The purpose of the Out-of-State Attorney Arbitration Counsel Program Rules is to establish a program to implement the State Bar of California's responsibilities under Civil Code of Procedure Section 1282.4 and California Rules of Court, rule 9.43, for out-of-state attorneys to represent parties in the course of, or in connection with an arbitration proceeding in California.

2.0 Definitions

2.1 An "Out-of-State Attorney Arbitration Counsel" is an attorney who, in accordance with the requirements of Code of Civil Procedure section 1282.4 and California Rules of Court, rule 9.43 may represent parties in the course of, or in connection with an arbitration proceeding in California.

2.2 The "Rules" are these Out-of-State Attorney Arbitration Counsel Program Rules.

2.3 The "State Bar" is the chief executive officer of the State Bar, or a person or persons designated by the chief executive officer who shall have the authority to administer and interpret these Rules.

3.0 Eligibility for Filing Certificate

3.1 The State Bar shall accept a certificate served upon the State Bar by an attorney where service of the certificate satisfies the following requirements:

3.1.1 The certificate is filed by an attorney who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory or insular possession of the United States, and who has been retained to appear in the course of, or in connection with an arbitration proceeding in this state;

3.1.2 The certificate is verified and contains proof of service by mail in accordance with section 1013a of the Code of Civil Procedure upon all parties and upon the State Bar of California at the San Francisco office, prior to the first scheduled hearing in an arbitration or, in the event that the attorney is retained after the first hearing has commenced, then the certificate shall be served prior to the first hearing at which the attorney appears.

3.1.3 All Certificates shall contain:

3.1.3.1 the information required under Code of Civil Procedure Section 1282.4 (c); and

3.1.3.2 a statement of agreement to become familiar with and comply with the standards of professional conduct required of members of the State Bar of California; and

3.1.3.3 the appropriate non-refundable processing fee.

4.0 Duration

4.1 A certificate shall remain in effect until the resolution of the arbitration matter; or

4.2 As long as an active member of the State Bar of California is associated as attorney of record in the arbitration matter; or

4.3 The State Bar is notified that the out-of-state attorney has been suspended or disbarred from the practice of law before the bar of any court or otherwise fails to comply with the standards of professional conduct required of members of the State Bar of California and has been subject to final disciplinary action by the Supreme Court, the State Bar Court or any body authorized to impose professional discipline with respect to any of his or her acts occurring in the course of the arbitration; or

4.4 The State Bar is notified that the attorney filed a certificate containing false information; or

4.5 The State Bar of California's program is terminated under the applicable provisions of the Code of Civil Procedure section 2182.4.

5.0 Public Nature of Records

An applicant's or an Out-of-State Attorney Arbitration Counsel's status as it relates to the Out-of-State Attorney Arbitration Counsel Program and the information contained in 3.2.3 provided to the State Bar of California or its representatives under this Program is not confidential and shall be disclosed upon request to any interested person, except to the extent that disclosure is prohibited by law.